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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/747,773	Applicant(s) ARNOFF ET AL.	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim(s) 2** is objected to because of the following informalities: line 2 "claim 16" should be "claim 1". Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 1, 3-8, 10-13 and 15-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Skladman et al. (US 6, 487,278 B1).

Regarding **claim(s) 1**, Skladman discloses a system for accessing messages stored in one communication platform by another communication platform (FIG. 1a and column 1, lines 21-24), the system comprising:

- (A) a standard telephone system (62 on FIG. 1a);
- (B) a standard legacy voicemail system (50 on FIG. 1a) storing a voicemail message (FIG. 1a and column 4, lines 9-20);
- (C) a digital voicemail store (52 on FIG. 1a); and

(D) a messaging server (64 on FIG. 1a) coupled to the standard telephone system, the messaging server further being coupled to the standard legacy voicemail system, the messaging server further being coupled to the digital voicemail store (FIG. 1a and column 4, lines 9-20), the messaging server comprising:

(D1) means for extracting the voicemail message from the legacy voicemail system (FIG. 1a and column 4, lines 44-53);

(D2) means for digitizing the extracted voicemail message (FIG. 1a and column 5, lines 7-11); and

(D3) means for storing the digitized voicemail message in the digital voicemail store (FIG. 1a and column 5, lines 11-17).

Regarding **claim(s) 3 and 4**, Skladman discloses a system for accessing messages (FIG. 1a and column 1, lines 21-24), the system comprising:

a legacy voicemail system having a voicemail message, the voicemail message being accessible by a command of the legacy voicemail system (FIG. 1a and column 4, lines 9-20);

an Internet-based communication system configured to transmit an Internet-based request (FIG. 1a and column 4, lines 21-32); and

a messaging server configured to convert an Internet-based request into the command of the legacy voicemail system (FIG. 1a and column 4, lines 33-44).

Regarding **claim(s) 5**, Skladman discloses a system, wherein the first communication system comprises a legacy voicemail system (FIG. 1 and column 4, lines 21-32).

Regarding **claim(s) 6**, Skladman discloses a system, wherein the second communication system comprises an Internet-based communication system (FIG. 1 and column 4, lines 21-32).

Regarding **claim(s) 7**, Skladman discloses a system, wherein the Internet-based communication system comprises an instant messaging system (FIG. 1 and column 3, lines 20-30).

Regarding **claim(s) 8**, Skladman discloses a system, wherein the Internet-based communication system comprises an email system (FIG. 1 and column 3, lines 20-30).

Regarding **claim(s) 10**, Skladman discloses a system, wherein the data comprises a voicemail message (FIG. 1 and column 4, lines 33-43).

Regarding **claim(s) 11**, Skladman discloses a system, wherein the request of the second standard communication protocol comprises a request to access the voicemail message (FIG. 1 and column 4, lines 33-43).

Regarding **claim(s) 12**, Skladman discloses a system, wherein the command of the first standard communication protocol comprises a command to access the voicemail message in the legacy voicemail system (FIG. 1 and column 4, lines 33-43).

Regarding **claim(s) 13 and 17**, Skladman discloses a system, wherein the command of the first standard communication protocol comprises a command to extract the voicemail message from the legacy voicemail system (FIG. 1 and column 4, lines 33-43).

Regarding **claim(s) 15**, Skladman discloses a method for accessing messages (FIG. 1a and column 1, lines 21-24), the method comprising the steps of:

receiving a request to access a voicemail message in a legacy voicemail system, the request being received over the Internet (FIG. 1a and column 4, lines 21-32);

converting the request to a command of the legacy voicemail system (FIG. 1a and column 4, lines 33-43);

retrieving the voicemail message using the command (FIG. 1a and column 4, lines 44-53).

Skladman discloses the retrieving of the voice message but fails to disclose converting the voicemail message to a voice-over-Internet-protocol message and transmitting the VoIP message over the Internet.

However, Reynolds teaches converting the voicemail message to a voice-over-Internet-protocol message (FIG. 2 and paragraph 0053); and

transmitting the VoIP message over the Internet (FIG. 2 and paragraph 0053).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Skladman using the voice over IP network as taught by Reynolds.

This modification of the invention enables the system to convert the voicemail message to a voice-over-Internet-protocol message so that the user would have the packet data message over the Internet.

Regarding **claim(s) 16**, Skladman discloses a method for accessing messages (FIG. 1a and column 1, lines 21-24), the method comprising the steps of:

receiving a request to access data, the data being located at a first communication system, the request being received from a second communication system, the first communication system being configured to communicate using a first standard communication protocol, the second communication system being configured to communicate using a second standard communication protocol (FIG. 1a and column 4, lines 21-32);

converting the request to a command of the first standard communication protocol (FIG. 1a and column 4, lines 33-43); and

accessing the data at the first communication system using the command (FIG. 1a and column 4, lines 44-53).

Regarding **claim(s) 18**, Skladman discloses a method, further comprising the step of reformatting the extracted data to be compatible with the second communication system (FIG. 1a and column 4, lines 21-32).

Regarding **claim(s) 19**, Skladman discloses a method, further comprising the step of transmitting the reformatted data to the second communication system (FIG. 1a and column 4, lines 21-32).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 2, 14 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Kambhatla et al. (US 6,704,394 B1).

Regarding **claim(s) 2, 14 and 20**, Skladman as applied to **claim(s) 1, 11 and 19** above differs from **claim(s) 2, 14 and 20**, in that it fails to disclose means for deleting the legacy voicemail message from the legacy voicemail system.

However, Kambhatla teaches a system, wherein the command of the first standard communication protocol comprises a command to delete the voicemail message from the legacy voicemail system (FIG. 3 and column 5, lines 34-40).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Skladman using the application interface as taught by Kambhatla.

This modification of the invention enables the system to have a means for deleting the legacy voicemail message from the legacy voicemail system so that the user would delete the voice mail message.

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8. **Claim(s) 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Skladman in view of Moore et al. (US 6,724,872 B1).

Regarding **claim(s) 9**, Skladman as applied to **claim (s) 6** above differs from **claim(s) 9**, in that it fails to disclose an Internet call waiting system.

However, Moore teaches a system, wherein the Internet-based communication system comprises an Internet call waiting system (FIG. 1 and column 6, lines 48-58).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Skladman using the Internet call waiting gateway as taught by Moore.

This modification of the invention enables the system to have an Internet call waiting system so that the user would receive the caller Id while using the Internet.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
September 15, 2005